

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
) 8:11CR401
 Plaintiff,)
)
 vs.) ORDER
)
 AGAPITO AGUILAR- SOSTENES and)
 TRAVIS R. CHISHOLM,)
)
 Defendants.)

This matter is before the court on the motion to continue by defendant Travis R. Chisholm (Chisholm) (Filing No. 32). Chisholm seeks a continuance of the trial of this matter which is scheduled for February 21, 2012. Chisholm has filed an affidavit wherein Chisholm represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 33). Chisholm's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted as to both defendants.

IT IS ORDERED:

1. Chisholm's motion to continue trial (Filing No. 32) is granted.
2. Trial of this matter as to both defendants is re-scheduled for **March 12, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 26, 2012, and March 12, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 26th day of January, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge